

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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TC 1700

In re Application of
Shoji YASUDA

Serial No. 09/617,433

Group Art Unit: 1752

Filed: July 14, 2000

Examiner: Thorl Chea

For: THERMALLY PROCESSED IMAGE FORMING MATERIAL

DECLARATION UNDER 37 CFR 1.132

Honorable Commissioner of Patents and Trademarks,
Washington, D.C. 20231

Sir:

I, Shoji YASUDA, a Japanese citizen, working at No.210, Nakanuma Minami-ashigara-shi, Kanagawa 250-0193 Japan, hereby declare and state that I received a Master's Degree from Chiba University, the department of Engineering, in March of 1988, and I was employed by Fuji Photo Film Co., Ltd. in April of 1988, and since that time I have been principally engaged in research and development of photosensitive materials for printing at Ashigara Laboratories of the company.

I declare further that I have read all of the documents contained in the file wrapper of the above-entitled application.

I declare further that the test described below was conducted at my direction and under my supervision and the test results are true and correct to the best of my knowledge.

Method:

A photothermographic material (Sample No.1) was prepared in the

same manner as Sample 101 of EP 0 887 701 A except that Spectral Sensitizing Dye "B" shown on page 106 of the specification of the present application was used in place of Sensitizing Dye A shown on page 22 of EP 0 887 701 A.

Another photothermographic material (Sample No.2) was prepared in the same manner as Sample 101 of EP 0 887 701 A except that Spectral Sensitizing Dye "B" shown on page 106 of the specification of the present application was used in place of Sensitizing Dye A shown on page 22 of EP 0 887 701 A, and Dispersion B shown on page 80 of the specification of the present application was used in place of Organic Silver Salt Dispersion A shown on pages 27-29 of EP 0 887 701 A.

Still another photothermographic material (Sample No.3) was prepared in the same manner as Sample 101 of EP 0 887 701 A except that Spectral Sensitizing Dye "B" shown on page 106 of the specification of the present application was used in place of Sensitizing Dye A shown on page 22 of EP 0 887 701 A, and Dispersion C shown on page 80 of the specification of the present application was used in place of Organic Silver Salt Dispersion A shown on pages 27-29 of EP 0 887 701 A.

Haze, fog, sensitivity, coating surface quality and silver tone of each sample were evaluated in the manner set forth on pages 26 and 30 of EP 0 887 701 A. Surface property of each sample was also evaluated in the manner set forth on page 93 of the specification of the present application. In this test, samples having two or less agglomerated specks per 1.4 m² of their surface get rank "A".

Results:

Results are shown in the following table.

Sample No.	Mixing means	Evaluation of EP 0 887 701 A					Evaluation of 09/617,433
		Haze	Fog	Sensitivity	Surface quality	Silver tone	Surface property
1	Open	10.0	0.11	100	⊙	⊙	C
2	Closed	9.8	0.11	105	⊙	⊙	A
3	Closed	9.9	0.11	104	⊙	⊙	A

Discussion:

The results shown in the above table indicate that Samples 2 and 3 containing the non-photosensitive fatty silver salt grains prepared in a closed mixing means exhibited improved sensitivity and excellent surface property. This improvement is significant and no person skilled in the art reading EP 0 887 701 could have predicted this improvement before the claimed invention was made. I believe that Samples 2 and 3 would show the unexpected improvement regardless of the sensitizing dye associated herewith.


Sample 1 attained good result in the surface quality test of EP 0 887 701 A but it got poor result in the surface property test of the present application. This is because the latter test is much severer than the former test. Samples having 5 or less aggligated specks in 0.01 m² get "◎" in the surface quality test of EP 0 887 701 whereas only samples having 2 or less aggligated specks in 1.4 m² get "A" in the surface property test of the present application. Thus, the latter test is 350 times severer than the former test (140x2.5=350). It can be concluded that the above test results indicate that the photothermographic materials of the claimed invention still exhibit excellent surface property in the severer test of the present application but the photothermographic materials of EP 0 887 701 A exhibit poor surface property.

I believe that no one skilled in the art would have been motivated to prepare non-photosensitive fatty silver salt grains in the closed mixing means and use it in a photothermographic material before the claimed invention was made. I also believe that no one skilled in the art could have predicted the excellent effects of the claimed invention before the claimed invention was made. The claimed invention is non-obvious over the prior art.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief

are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Dated this *11* th day of August, 2002.



Shoji YASUDA